

Central Intelligence Agency



Washington, D.C. 20505

27 February 2019

Ms. Emma Best  
MuckRock News  
DEPT MR 64228  
411A Highland Avenue  
Sommerville, MA 02144

Reference: F-2019-00529

Dear Ms. Best:

This is a final response to your 25 November 2018 Freedom of Information Act (FOIA) request for records on **Richard Jay Potash (26 June 1946 – 24 November 2018), AKA Ricky Jay, an American stage magician, actor, and writer.** We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended.

After conducting a search reasonably calculated to uncover all relevant documents, we did not locate any responsive records that would reveal an openly acknowledged CIA affiliation with the subject.

To the extent that your request seeks records, if any exist, that would reveal a classified association between the CIA and the subject of your request, we can neither confirm nor deny the existence or nonexistence of such records. The mere existence or nonexistence of such records is itself a classified fact. You may consider this finding a denial of this portion of your request pursuant to FOIA exemptions (b)(1) and (b)(3). Exemption (b)(3) pertains to information exempt from disclosure by statute. In this case, the relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, as amended, and Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. § 3024, as amended. I have enclosed an explanation of exemptions for your reference and retention.

As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal.

If you have any questions regarding our response, you may contact us at:

Central Intelligence Agency  
Washington, DC 20505  
Information and Privacy Coordinator  
703-613-3007 (Fax)

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. You may reach CIA's FOIA Public Liaison at:

703-613-1287 (FOIA Hotline)

The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-864-6448  
202-741-5769 (fax)  
[ogis@nara.gov](mailto:ogis@nara.gov)

Contacting the CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal flourish extending to the right.

Allison Fong  
Information and Privacy Coordinator

Enclosure

## **Explanation of Exemptions**

### **Freedom of Information Act:**

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source ; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

**April 2012**